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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,107	12/20/2001	Scott A. Olson	CM03409J	3391

7590 03/16/2005

Andrew S. Fuller
Motorola, Inc.
Law Department
8000 West Sunrise Boulevard
Fort Lauderdale, FL 33322

EXAMINER

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,107

Applicant(s)

OLSON ET AL.

Examiner

Alain L. Bashore

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12-20-01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 12-13, 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "independent" recited in claims 1, 12-16, 18 is vague and indefinite because there are no meets and bounds regarding the term. Is the term relating to a business, technical relationship etc...

In claim 17, because there is not recited the alternative condition (i.e. when the particular wireless service is currently supported), the claim is considered vague and indefinite.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 6-7, 12, 14, 16-17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van den Heuvel et al in view of Snelgrove et al

Van den Heuvel et al discloses a method of configuring a subscriber unit for operation in a wireless communication system. There is obtained a set of available wireless services from an information source that advertises wireless services in the form of a list (col 4, lines 47-65). Particular criteria desired in a service is described as part of the list (col 3, lines 55-67). A particular service provider is selected from the list (col 4, lines 6-9), and there is established a subscription relationship with the particular service provider (col 4, lines 9-31).

Van den Heuvel et al does not disclose a brokering agent to supply the list where a particular criteria is supplied the agent to further define the list so as to select a particular service provider.

Snelgrove et al discloses a brokering agent to supply the list where a particular criteria is supplied the agent to further define the list so as to select a particular service provider (para 0077-0078).

It would have been obvious to one with ordinary skill in the art to include a brokering agent to supply the list where a particular criteria is supplied the agent to further define the list so as to select a particular service provider because Snelgrove et

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al teaches optimizing terms between users and telecommunication providers (see abstract).

5. Claims 3-4, 8, 10-11, 13, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van den Heuvel et al in view of Snelgrove et al as applied to claims above, and further in view of Noreen et al

Van den Heuvel et al and Snelgrove et al do not disclose subcarrier transmission over broadcast channel having information on available wireless services.

Noreen et al discloses subcarrier transmission over broadcast channel having information (para 0011-0012).

It would have been obvious to one with ordinary skill in the art to include disclose subcarrier transmission over broadcast channel having information on available wireless services because Noreen et al teaches advantages to such an information providing system (para 0006).

6. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van den Heuvel et al in view of Snelgrove et al as applied to claims above, and further in view of Palermo.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van den Heuvel et al in view of Snelgrove et al in further view of Noreen et al as applied to claim 8 above, and further in view of Palermo.

Van den Heuvel et al, Snelgrove et al, and Palermo do not disclose creating operating nodes within the subscriber unit to support differing wireless communication protocols.

Palermo discloses creating operating nodes within the subscriber unit to support differing wireless communication protocols (col 4, lines 38-63).

It would have been obvious to one with ordinary skill in the art to include creating operating nodes within the subscriber unit to support differing wireless communication protocols because

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alain L. Bashore
Primary Examiner
Art Unit 3624